

Professional Standards



Preventive Workplace Discrimination Training

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Professional Standards



■ Effective Workplace Discrimination Policy

- Federal Law and Regulation
- State Human Rights Statutes and Regulations
- Department Policy Manual

■ Supervisor's Obligation

- Set the Standards
- Enforce the Standards
- Protect the Environment

Professional Standards



■ Training

- Participation
- New Supervisors
- ***Communication***



■ Reporting

- Responsibility
- Accountability
- Facilitator

■ Enforcement

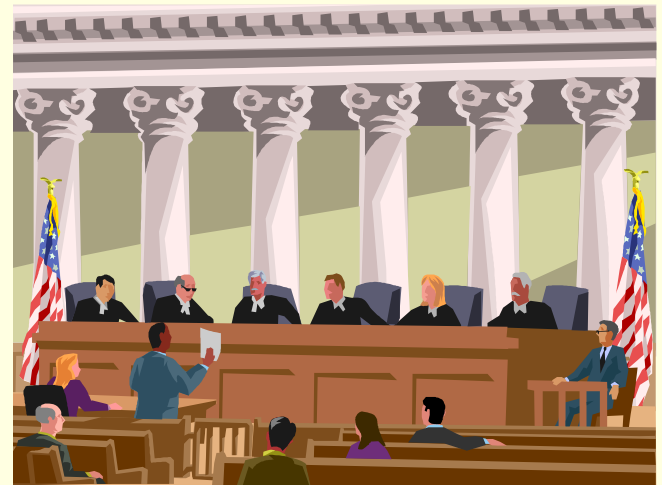
- Monitor
- Counseling
- Documentation

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- Workplace discrimination violates Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, and the Age Discrimination in Employment Act.

Federal Law



Professional Standards



Court made clear that employers and employees are subject to **vicarious liability** for unlawful discrimination!

Court Updates

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The standards set forth by the Court

- An employer is *responsible* for the acts of its supervisors
- Employers should be encouraged to *prevent* Discrimination
- Employees should be encouraged to *avoid* or limit the harm from Discrimination

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The Employer may be able to avoid liability or limit damages by establishing an **affirmative defense** that includes two necessary elements:

- The Employer exercised reasonable care to prevent and correct promptly any discriminatory behavior, and...

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The Employer may be able to avoid liability or limit damages by establishing an **affirmative defense** that includes two necessary elements:

- The **Employee** unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.

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The Standard of liability set forth in the Court's decisions applies to **all forms of unlawful conduct.**

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While the anti-discrimination statutes seek to remedy discrimination, their primary purpose is to **prevent violations.**

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The established anti-Discrimination policies and complaint procedures cover **all forms of unlawful Discrimination.**

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An individual qualifies as an
employee's "supervisor" if:

- The individual has authority to undertake or recommend tangible employment decisions affecting the employee; or
- The individual has authority to direct the employee's daily work activities.

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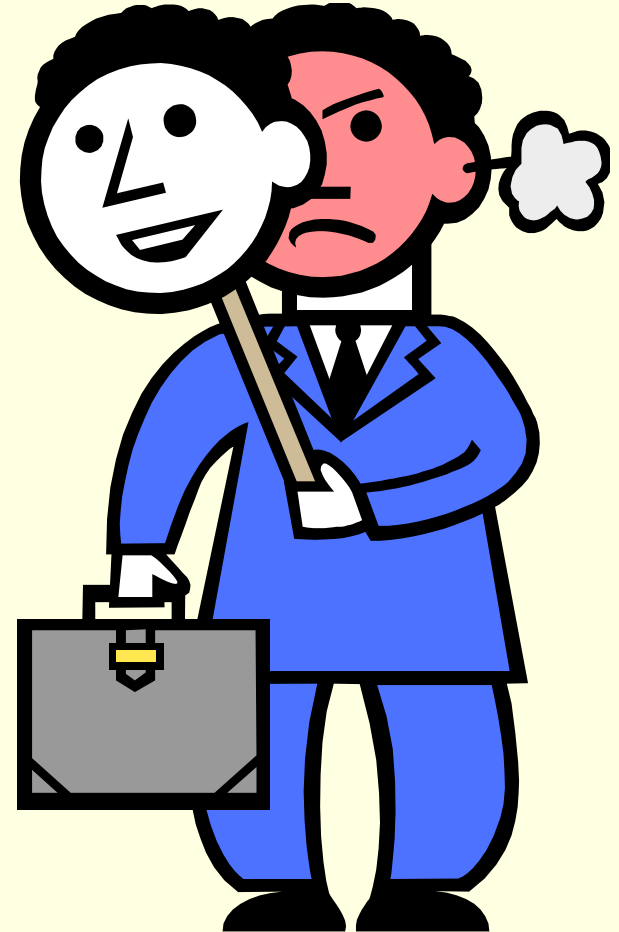


The **Employee** must effectively implement, abide by, and live up to the policy's standards!

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Retaliation



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Retaliation consists of any negative conduct in response to an employee's complaint of Discrimination or participation in a Discrimination investigation.

Retaliation



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Retaliation can include adverse employment actions, such as demotions, transfers, or firings.

Retaliation



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Retaliation can be subtle, like being subjected to tougher performance standards than other employees.

Retaliation



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Co-Workers also can engage in retaliation such as...

- Teasing
- Threats
- Withholding information

Retaliation



Professional Standards



Co-Workers also can engage in retaliation such as...

- The silent treatment
- Physical actions

Retaliation



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Special Obligations of Managers and Supervisors

If a manager or supervisor is aware that Discrimination is occurring but closes his or her eyes to the problem, there may be liability ramifications.

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Special Obligations of Managers and Supervisors

When a manager or supervisor hears, either **directly or indirectly**, about harassing behavior or observes discriminatory behavior, the manager or supervisor is on notice of Discrimination.

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Special Obligations of Managers and Supervisors

The manager and supervisor must take prompt, effective action to stop the illegal conduct and prevent it from ever occurring again.

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Organization should:

- Establish clear policies and procedures to prevent Discrimination;
- Educate employees about the problem;
- Specify the procedure to use if a violation occurs; and
- Actively encourage open communication and complaints.

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It is the employees' responsibility to:

- Know the policy;
- Role-model the policy; and
- Govern their own behavior.

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**It is our
Professional
Responsibility!**



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Thank You

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